

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NORMAN BRADFORD

Plaintiff,

v.

HSBC MORTGAGE CORPORATION,
et al.,

Defendants.

No. 1:09cv1226
TSE/JFA

**RULE 26(F) REPORT SUBMITTED BY PLAINTIFF BRADFORD AND DEFENDANTS
HSBC, MERS, AND PROFESSIONAL FORECLOSURE CORPORATION**

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 26, and the Court's Scheduling Order entered on August 17, 2010, counsel for Plaintiff Norman Bradford and Defendants HSBC Mortgage Corporation; Mortgage Electronic Registration Systems, Inc.; and Professional Foreclosure Corporation of Virginia have conferred regarding the conduct of discovery in this matter. Defendant Home Advantage Funding Group has not responded to service of process via the Secretary of the Commonwealth, and Defendant Amir Mirza has not yet been served because Plaintiff has been unable to locate him, and said two Defendants therefore did not participate in the discussion. The parties who participated in the discussion are referred to herein as the "Conferring Parties" or, where appropriate, as the "Conferring Defendants."

I. TIMING OF INITIAL DISCLOSURES

The Conferring Defendants presently have Motions to Dismiss (and, in the case of HSBC and MERS, a Motion for Summary Judgment) scheduled for hearing on Friday, September 17, 2010. The outcome of those motions might eliminate the need for Rule 26 Initial Disclosures if the motions are granted in full or, alternatively, may affect the nature of the materials required to

be disclosed if the motions are granted in part (i.e., eliminating certain causes of action on which disclosures might otherwise be required). Accordingly, the Conferring Parties propose to exchange Initial Disclosures fourteen (14) calendar days following the entry of the Court's Order deciding the pending motions.

II. ELECTRONIC SERVICE OF DISCOVERY MATERIALS, INCLUDING INITIAL DISCLOSURES

To the extent technically feasible (i.e., to the extent production of large volumes of documents is not required), the Conferring Parties propose to serve copies of the Initial Disclosures as .PDF documents via electronic mail upon all parties whose counsel have registered for electronic service. Where electronic service would necessitate the creation of large electronic files, or the transmission of numerous smaller electronic files to overcome e-mail size limitations, the Conferring Parties agree to make service via U.S. Mail with a courtesy e-mail advising that documents are being mailed.

III. CONSENT TO PROCEEDING BEFORE A MAGISTRATE JUDGE

The Conferring Parties do not unanimously consent to the exercise of jurisdiction and entry of judgment by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

IV. CHANGES IN DISCOVERY LIMITATIONS

The Conferring Parties do not propose any changes in the form of Initial Disclosures, the limitations on discovery proposed by the Federal Rules of Civil Procedure or this Court's Local Rules, or the timing of expert disclosures pursuant to Local Rule 26(D)(2). The Conferring Parties also do not believe it necessary to conduct discovery in phases or to limit or focus discovery to particular issues. At the present time, the Conferring Parties do not foresee any issues about disclosure or discovery of electronically-stored information.

V. POSSIBILITY OF SETTLEMENT

This case is not ripe for settlement discussions at the present time due to the pending dispositive motions. The Conferring Parties may revisit the issue following the Court's decision on the motions if appropriate.

DATED: September 8, 2010

Respectfully submitted,

/s/ Robert R. Michael
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Counsel for Plaintiff¹

¹ Although counsel for Plaintiff have filed a motion for leave to withdraw, the Court has not yet ruled upon the motion, and accordingly counsel have participated in the preparation and filing of this discovery plan in accordance with the ethics rules requiring counsel to continue to protect their client's interest until the Court enters the order granting leave to withdraw.

CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of September, 2010, I e-filed the foregoing Rule 26(f) Report Submitted by Plaintiff Bradford and Defendants HSBC, MERS, and Professional Foreclosure Corporation via the Court's CM/ECF system, which will send notification of such filing to the following counsel registered for electronic service:

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I also served a true and correct copy via U.S. Mail upon the following party for whom counsel has not yet entered an appearance:

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(Defendant)

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